

By: Landgraf

H.B. No. 2662

Substitute the following for H.B. No. 2662:

By: Pickett

C.S.H.B. No. 2662

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 401.207, Health and Safety Code, is amended by amending Subsections (e) and (e-2) and adding Subsection (1) to read as follows:

(e) The compact waste disposal facility license holder may not collect a fee under this section or enter into a contract for the disposal of nonparty low-level radioactive waste that has been designated as Class A low-level radioactive waste under 10 C.F.R. Section 61.55 and commission rule unless the waste is containerized. ~~[The compact waste disposal facility license holder may collect a fee and dispose of:~~

~~[(1) not more than the greater of:~~

~~[(A) 1.167 million curies of nonparty compact waste, or~~

~~[(B) an amount of nonparty compact waste equal to 30 percent of the initial licensed capacity of the facility, and~~

~~[(2) not more than 275,000 curies of nonparty compact waste in any fiscal year.]~~

(e-2) The commission's executive director, on completion of a ~~[the]~~ study under Section 401.208, may prohibit the license holder from continuing to accept ~~[accepting any additional]~~

1 nonparty compact waste if the commission determines from the study  
2 that the capacity of the facility will be limited~~[, regardless of~~  
3 ~~whether the limit under Subsection (f) has been reached]~~.

4 (1) This section does not restrict or alter the authority of  
5 the Texas Low-Level Radioactive Waste Disposal Compact Commission  
6 under this chapter or Chapter 403 to review, approve, deny, or place  
7 conditions on the importation of nonparty compact waste to this  
8 state.

9 SECTION 2. Sections 401.208(a), (c), and (e), Health and  
10 Safety Code, are amended to read as follows:

11 (a) At least once every four years, the ~~[The]~~ commission  
12 shall conduct a study on the available volume and curie capacity of  
13 the compact waste disposal facility for the disposal of party state  
14 compact waste and nonparty compact waste.

15 (c) The ~~[Not later than December 1, 2016, the]~~ commission  
16 shall submit a final report of the results of the study to the  
17 standing committees of the senate and the house of representatives  
18 with jurisdiction over the disposal of low-level radioactive waste.

19 (e) The commission may conduct a study described by  
20 Subsection (a) at any time ~~[after December 1, 2012,]~~ if the  
21 commission determines that a study is necessary.

22 SECTION 3. Section 401.216(a), Health and Safety Code, is  
23 amended to read as follows:

24 (a) ~~[The commission may license the compact waste disposal~~  
25 ~~facility license holder to dispose of federal facility waste.]~~ The  
26 commission may license federal facility waste disposal only at a  
27 separate and distinct facility that is operated exclusively for the

disposal of federal facility waste and that is adjacent to the compact waste disposal facility.

SECTION 4. Section 401.2456(c), Health and Safety Code, is amended to read as follows:

(c) Rates negotiated under this section must be set both by a price per curie and a price per cubic foot. Fees resulting from the negotiated rates must be greater than~~[, as applicable,~~

~~[(1)]~~ the compact waste disposal fees under Section 401.245 as set by the commission that are in effect at the time the rates are negotiated~~[, or~~

~~[(2) the interim compact waste disposal fees under Section 401.2455 as set by the commission's executive director that are in effect at the time the rates are negotiated]~~.

SECTION 5. Chapter 403, Health and Safety Code, is amended by adding Section 403.0056 to read as follows:

Sec. 403.0056. COMPACT FACILITY CAPACITY. (a) In this section, "compact facility," "generator," "operator," and "party state" have the meanings assigned by the Texas Low-Level Radioactive Waste Disposal Compact.

(b) The operator shall reserve disposal capacity in the amounts of four million cubic feet and three million curies for party state compact waste. The reserved capacity and curies are immediately set aside for party state compact waste. The commission, the operator, and the Texas Commission on Environmental Quality shall ensure that:

(1) the reservation is maintained until the completion of decommissioning of all the nuclear electric generation

1 facilities in the party states; and

2 (2) 20 percent of the volume and curie capacity  
3 reserved for party states is allotted to compact waste generated in  
4 Vermont.

5 (c) For the purposes of operator licensing decisions based  
6 on storage capacity, the Texas Commission on Environmental Quality  
7 shall consider the disposal capacity reserved for party state  
8 compact waste under Subsection (b) as disposed.

9 (d) When the compact facility reaches 80 percent of its  
10 as-built disposal capacity as measured by volume or curie, or when  
11 one of the party state nuclear electric generation facilities  
12 executes a contract for decommissioning, the operator shall  
13 discontinue accepting waste from nonparty states until:

14 (1) construction is completed on a new disposal cell  
15 that provides at least an additional one million cubic feet of  
16 airspace capacity, as certified and stamped by an individual  
17 licensed as an engineer under Chapter 1001, Occupations Code; or

18 (2) the operator executes a performance bond or other  
19 instrument of financial assurance determined to be acceptable by  
20 the Texas Commission on Environmental Quality that is conditioned  
21 on the completion of a new disposal cell at the compact facility.

22 (e) This section does not restrict or alter the authority  
23 of:

24 (1) the Texas Commission on Environmental Quality  
25 under Chapter 401 to regulate the operator in accordance with  
26 license terms or agency rules; or

27 (2) the commission under Chapter 401 or this chapter

1 to review, approve, deny, or place conditions on the importation of  
2 nonparty compact waste to this state.

3         SECTION 6. The following sections of the Health and Safety  
4 Code are repealed:

- 5                 (1) Section 401.005;
- 6                 (2) Sections 401.207(d-1), (d-2), (d-3), (e-1), and  
7 (f);
- 8                 (3) Sections 401.216(b), (c), and (e); and
- 9                 (4) Section 401.2455.

10         SECTION 7. The Texas Commission on Environmental Quality  
11 shall submit the first report required under Section 401.208,  
12 Health and Safety Code, as amended by this Act, not later than  
13 December 1, 2020.

14         SECTION 8. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2017.